

April 27, 2017

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 27, 2017, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Barbara Ehardt
Councilmember Ed Marohn
Councilmember Thomas Hally
Councilmember John B. Radford
Councilmember Michelle Ziel-Dingman

Absent:

Councilmember David M. Smith

Also present:

Randy Fife, City Attorney
Kathy Hampton, City Clerk
All available department directors

Pledge of Allegiance:

Mayor Casper invited Cory Marriott, one of the newest members of the Idaho Falls Fire Department (IFFD), to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items on the agenda or that may be part of current action, enforcement, or litigation.

Taylina Rigolout, owner of an in-home daycare facility in Idaho Falls, appeared. Ms. Rigolout, on behalf of several other in-home daycare providers, requested amendment of the current home occupation ordinance. She stated on March 22 her license was reduced from 12 children to 9 children. Mr. Fife reminded the Mayor and Council that specific comment cannot occur regarding an enforcement action due to the potential of any appeal appearing before the governing body, which is the Council. Mr. Fife suggested Ms. Rigolout address a general idea for a code change. Ms. Rigolout believes there is a problem with the home occupation ordinance because it's reducing providers to 25% use of their home which therefore restricts the number of children allowed based on the square footage. It also prohibits volunteers, substitutes, and/or employees which makes it difficult to close the facility for doctor appointments or any other reason. Mayor Casper recommended a meeting with Councilmember Dingman, as liaison to Community Development Services, to discuss parameters of a policy change.

Special Presentation: Idaho Falls Fire Department

Mayor Casper turned the presentation to Fire Chief Dave Hanneman. Chief Hanneman introduced Dennis Tolman. He also recognized IFFD Captain Bob Zaladonis, Driver JR Morgan, Driver Brian Curtis, Paramedic Jim Newton, EMT (Emergency Medical Technician) Colter Howell, and Dispatch Officer Treena Strong. Mr. Tolman stated on February 4 he passed out at his home. Mrs. Tolman, who is familiar with the CPR procedure, was in communication with Ms. Strong until emergency personnel arrived. Mr. Tolman stated without the assistance of these emergency personnel it is unlikely he would have survived the heart attack as he indicated only approximately 4-8% of victims survive a heart attack. He expressed his appreciation for their care. Mayor Casper stated it is gratifying to learn the system works and believes all the staff training and effort is worth every dollar. She expressed her appreciation to the everyday heroes.

April 27, 2017

Consent Agenda:

Municipal Services requested approval of Bid IF-17-O, Sole Source Purchase, Public Safety Equipment for Police Department, as well as approval of Hydroelectric Property Insurance.

Idaho Falls Airport requested approval of Notice of Award, Construction and Management Contracts and limited Notice to Proceed Taxiway A, C and Runway 2/20 Rehabilitation Project – FAA Project # AIP 43.

The City Clerk requested approval of minutes from the April 10, 2017 Council Work Session and Executive Session; and April 13, 2017 Council Meeting, and, approval of license applications, all carrying the required approvals.

It was moved by Councilmember Marohn, seconded by Councilmember Hally, to approve all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Hally, Radford, Dingman, Ehardt, Marohn. Nay – none. Motion carried.

Regular Agenda:

Community Development Services

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Patriot Park Subdivision

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Patriot Park Subdivision. The Planning and Zoning Commission recommended approval of this application at its February 7, 2017, meeting by unanimous vote. Staff concurs with this recommendation.

Councilmember Dingman stated this item is dividing the four (4) current lots into six (6) lots for future development.

It was moved by Councilmember Dingman, seconded by Councilmember Ehardt, to approve the Development Agreement for Patriot Park Subdivision, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Marohn, Ehardt, Hally, Radford. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Councilmember Ehardt, to accept the Final Plat for Patriot Park Subdivision, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Councilmember Ehardt, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Patriot Park Subdivision, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Dingman, Radford, Ehardt, Marohn. Nay – none. Motion carried.

Human Resources

Subject: Rescission of the City of Idaho Falls Civil Service System

The Human Resources Department respectfully requests approval of an ordinance rescinding the Civil Service System of Idaho Falls, and, that upon passage the ordinance be read in its entirety pursuant to Idaho Code.

Councilmember Hally stated this item has been previously discussed on several occasions. He believes the Civil Service System has liabilities and restricts the hiring method. He stated due to the time consuming efforts, this is

April 27, 2017

forcing overtime for officers which limits the purchase of equipment needed and/or general wages. He stated the Police Department Citizen Review Committee (CRC) strongly recommended elimination of Civil Service System. Councilmember Hally stated this item is not anti-police as this discussion has been occurring for several years. He believes the rescission of the Civil Service System will strengthen the process.

It was moved by Councilmember Hally, seconded by Councilmember Marohn, to approve the ordinance rescinding Title 2, Chapter 4, on the third reading and that it be read in its entirety and published by summary. Roll call as follows: Aye – Councilmembers Hally, Marohn, Radford, Dingman. Nay – Councilmember Ehardt. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance title and enacting clauses:

ORDINANCE NO. 3115

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, RESCINDING TITLE 2, CHAPTER 4, GOVERNING CIVIL SERVICE PRACTICES FOR CITY EMPLOYEES; RESCINDING ALL CIVIL SERVICE RULES AND PROCEDURES PROMULGATED THEREUNDER; PROVIDING FOR SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION 1. Title 2, Chapter 4, of the City Code of the City of Idaho Falls, Idaho, and all civil service rules and procedures promulgated thereunder, are hereby rescinded in their entirety, pursuant to Idaho Code Section 50-1601(B).

SECTION 2. The rescission of Title 2, Chapter 4, of the Idaho Falls City Code (and all civil service rules and procedures promulgated thereunder) is not intended to and shall not have any adverse effect on any negotiated agreement between the City of Idaho Falls and Idaho Falls Firefighters Union Local No. 1565, or the rights contained in such an agreement or agreements.

SECTION 3. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 4. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

Third Reading passed by the City Council and approved by the Mayor of the City of Idaho Falls, Idaho, this 27th day of April, 2017.

City of Idaho Falls, Idaho
Rebecca L. Noah Casper, Mayor

Mayor Casper stated this item is anticipated to be published on April 30, 2017 and upon publication all Civil Service rules will be rescinded. All City employees who formerly served under Civil Service rules will now

April 27, 2017

fall under City personnel practices and policies. IFFD personnel will be covered within their contract of the Firefighters Union.

Municipal Services

Subject: RFQ #17-055 Heritage Park Development Project Bid Rejection

Municipal Services recommends rejection of Request for Qualification (RFQ) 17-055, Heritage Park Development Project due to a discrepancy on page 3 of the RFQ document. Upon receipt and review of the vendor responses, City staff identified a sentence that requested a cost estimate within the preparation instructions was not removed from a previously issued RFQ. Pursuant to Idaho Code §67-2320, the City must evaluate on the basis of qualifications and demonstrate competence for the type service required. This discrepancy has a material impact on the process and therefore, Municipal Services is requesting the approval to reject all proposals and release a correct RFQ document upon approval.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to reject all proposals and release a correct RFQ document for Heritage Park Development Project. Roll call as follows: Aye – Councilmembers Ehardt, Radford, Marohn, Dingman, Hally. Nay – none. Motion carried.

Public Works

Subject: Right of Way Vacation – Joelle Avenue and a portion of Tara Street

As earlier authorized, the City Attorney has prepared the documents to vacate the Joelle Avenue Right-of-Way and a portion of Tara Street within the Freeway Commercial Center development.

Councilmember Ehardt expressed her congratulations to several youth in the community for their academic achievements and specifically recognized Stephen Casper.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve the Ordinance vacating Joelle Avenue Right-of-Way and a portion of Tara Street under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Hally, Marohn, Dingman. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3116

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF A RIGHT-OF-WAY LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED RIGHT-OF-WAY SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

There being no further business it was moved by Councilmember Hally, seconded by Councilmember Marohn, to adjourn the meeting at 7:57 p.m.

s/ Kathy Hampton

CITY CLERK

s/ Rebecca L. Noah Casper

MAYOR